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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,006	12/14/2001	James Sheung Lau	CA920000072-US1	7929

7590 10/31/2007  
Anne Vachon Dougherty  
3173 Cedar Road  
Yorktown Heights, NY 10598

EXAMINER
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PATEL, AJIT

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/017,006

Applicant(s)

LAU, JAMES SHEUNG

Examiner

AJIT G. PATEL

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 6-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,6-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al. (6,119,167, of the record) in view of Coffee et al (US Pub. 2006/0182055, newly cited).

For claims 1, 6-18, Boyle et al. disclose pushing and pulling data in networks comprising: a web server component (see box 130.1-130.2 in figure 1) for storing data and for generating internet messages; a communications interface operable to convey internet messages to and from the web server using a wireless digital packet network (see box 134 in figure 1; wherein said web server and said communications interface are connected to each other (see box 126 in figure 1); wherein said communications interface is operable to transmit and receive said internet messages on a cellular digital packet network (see column 3 lines 27-39); wherein said communications interface is operable to receive Transmission and Control Protocol (TCP/IP) messages from said web server for transmission on said wireless digital packet network (see column 3 lines 25-29); wherein said communications interface comprises a wireless transceiver for transmitting and sending said internet messages on said wireless digital packet network (see wireless network 125 in figure 1); wherein said web server is operable to receive and store data to be served (it is inherent that the server has memory for storing data);

further including an input interface operable to receive a signal from a sensor and produce a data representation of said signal, for storage as data to be served by said web server(see box 122 in figure 1);receiving a data request message from a wireless digital packet network (see requesting in figure 31); requesting data from a wireless web server in response to said data request message(see service reply in figure 31); and transmitting on said wireless digital packet network a response message including data produced by said wireless web server in response to said data request message(see service reply in figure 31 ); further comprising extracting a Transmission and Control Protocol (TCP/IP) message from a wireless digital packet network protocol message (see column 3 lines 27-39); further comprising transmitting said TCP/IP message to said wireless web server(see column 3 lines 27-39); further comprising inserting a Transmission and Control Protocol/Internet Protocol (TCP/IP) message from said wireless web server into a wireless digital packet network protocol message for transmission on said wireless digital packet network(see column 3 lines 27-39)and box 126 in figure 1)); transmitting a message on a wireless digital packet network for use by a wireless web server operable to receive messages from said wireless digital packet network (see box 126 in figure 1 );wherein transmitting said message comprises producing a wireless digital packet network message containing a Transmission and Control Protocol/Internet Protocol (TCP/IP) message(see column 3 lines 27-39); and further comprising receiving, from said wireless digital packet network, a message produced by said wireless web server(see wireless network 125 in figure 5). Boyle et al do not specifically disclose a wireless web server with a wireless communications

interface. Coffee et al disclose a wireless gateway comprising a wireless web server with a wireless communications interface (21 of fig. 1). Therefore, it would have been obvious to one skilled in the art to use a wireless web server with a wireless communications interface as taught by Coffee et al in the system of Boyle et al in order to provide the communication wirelessly.

3. Applicant's arguments filed 8/14/2007 have been fully considered but they are not persuasive. Applicant argued that the coffee patent publication, 2006/0182055, should not be available as a prior art reference against the present application. It is noted that the coffee patent publication, 2006/0182055, is a continuation of application No. 09/659,850, filed on 9/11/2000. The disclosure in publication, 2006/0182055 and application no. 09/659,850 is identical and hence the earliest effective date of the coffee patent application is September 11, 2000. Applicant further argued that Boyle fails to disclose a wireless server. Examiner agreed with the applicant that Boyle fails to disclose a wireless server. Coffee discloses a wireless gateway comprising a wireless web server with a wireless communications interface (21 of fig. 1). Examiner rejected claims under 35 U.S.C. 103(a). Therefore, the applicant's arguments are not persuasive.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT G. PATEL whose telephone number is 571-272-3140. The examiner can normally be reached on MONDAY- FRIDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AP

  
**Ajit Patel**  
**Primary Examiner**